

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

---

UNITED STATES OF AMERICA, <u>ex rel.</u> ,	)	
BEAUCHAMP and SHEPHERD,	)	
v.	)	
Plaintiffs/Relators,	)	Civil No.: 1:11 Civ. 371 (TSE) (TRJ)
	)	
ACADEMI TRAINING CENTER, INC.	)	
(“ATC”), f/k/a U.S. TRAINING CENTER,	)	
INC. (“USTC”),	)	
Defendant.	)	

---

**UNITED STATES’ UNOPPOSED MOTION FOR LEAVE TO FILE  
STATEMENT OF INTEREST ON DEFENDANT’S OMNIBUS  
MOTION TO DISMISS**

The United States, real party in interest in this action, hereby moves for leave to submit a Statement of Interest (“Statement”) pursuant to 28 U.S.C. § 517 to address certain arguments in defendant Academi Training Center, Inc.’s Omnibus Motion to Dismiss relators’ Second Amended Complaint. Specifically, the United States seeks to address the impact, if any, of the recently decided opinion in *U.S. ex rel. McLain v. KBR, Inc.*, 1:08-CV-499 GBL/TCB, 2013 WL 710900, at \*1 (E.D. Va. Feb. 27, 2013) (Lee, J.) (“*McLain*”) on Academi’s Fed. R. Civ. P. 12(b)(6) and 9(b) dismissal arguments. Relators and defendant Academi do not oppose this request.

The United States remains a real party in interest in this matter, even though it has not intervened in the action. *U.S. ex rel. Milam v. Univ. of Texas M.D. Anderson Cancer Ctr.*, 961 F.2d 46, 50 (4th Cir. 1992). The False Claims Act (“FCA”), 31 U.S.C. § 3729 *et seq.*, is the

United States' primary tool used to redress fraud on the government, as it is intended to reach all fraudulent attempts to cause the government to pay out sums of money. *Harrison v. Westinghouse Savannah River Co.*, 176 F.3d 776, 788 (4th Cir. 1999) (citing *United States v. Neifert-White*, 390 U.S. 228, 233 (1968)). Thus, the United States has an interest in matters such as these to submit a Statement in furtherance of the application of the FCA.

The Government is aware that the underlying motion is fully-briefed and that the Court heard oral argument on the matter. Nevertheless, the United States respectfully requests to submit a Statement at this time due to the issuance of the *McLain* opinion last week. While the *McLain* decision is not binding, to the extent the Court places any persuasive value on *McLain*, the United States respectfully requests the opportunity to address it.

Accordingly, the United States respectfully requests leave to provide a Statement in this case.

Dated: March 7, 2013

Respectfully submitted,

STUART F. DELERY  
PRINCIPAL DEPUTY ASSISTANT  
ATTORNEY GENERAL  
CIVIL DIVISION

NEIL H. MACBRIDE  
UNITED STATES ATTORNEY

By: \_\_\_\_\_ /s/  
PETER S. HYUN  
GERARD MENE  
ASSISTANT UNITED STATES ATTORNEYS  
United States Attorney's Office  
Justin W. Williams U.S. Attorney's Building  
2100 Jamieson Avenue  
Alexandria, VA 22314  
Tel: 703.299.3700

Fax: 703.299.3898  
Email: [peter.hyun@usdoj.gov](mailto:peter.hyun@usdoj.gov)

MICHAEL D. GRANSTON  
JUDITH RABINOWITZ  
DIANA YOUNTS  
Civil Division  
U.S. Department of Justice  
601 D Street, NW, Room 9032  
Washington, DC 20004  
Tel: 202.305.8586  
Fax: 202.305.7868  
Email: [diana.younts@usdoj.gov](mailto:diana.younts@usdoj.gov)

COUNSEL FOR THE UNITED STATES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 7, 2013, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

By: \_\_\_\_\_ /s/

Peter S. Hyun  
Assistant United States Attorney  
Justin W. Williams U. S. Attorney's Building  
2100 Jamieson Avenue  
Alexandria, Virginia 22314  
(703) 299-3737 (direct)  
(703) 299-3983 (fax)  
[peter.hyun@usdoj.gov](mailto:peter.hyun@usdoj.gov)

COUNSEL FOR THE UNITED STATES

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

---

UNITED STATES OF AMERICA, ex rel., )  
BEAUCHAMP and SHEPHERD, )  
v. ) Plaintiffs/Relators, ) Civil No.: 1:11 Civ. 371 (TSE) (TRJ)  
ACADEMI TRAINING CENTER, INC. )  
("ATC"), f/k/a U.S. TRAINING CENTER, )  
INC. ("USTC"), )  
Defendant. )

---

**ORDER**

Having considered the United States' Unopposed Motion for Leave to File Statement of Interest on Defendant's Omnibus Motion to Dismiss, and the entire record in this case, it is hereby

**ORDERED** that the United States' Motion is **GRANTED**; and it is

**FURTHER ORDERED** that the parties shall submit a joint proposed briefing schedule regarding the United States' Statement of Interest on or before March 13, 2013.

**IT IS HEREBY SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

---

UNITED STATES DISTRICT JUDGE